

KAUAI PLANNING COMMISSION  
REGULAR MEETING

**Tuesday, October 11, 2005**

**8:30 A.M.**

**Lihue Civic Center, Moikeha Building  
Meeting Room 2A-2B  
4444 Rice Street, Lihue, Kauai, Hawaii**

**AGENDA**

Call to Order

Approval of the Agenda

**A. GENERAL BUSINESS MATTERS**

1. Announcements
2. Implementation Plan – Version 2, regarding progress to date on behalf of the five Kiahuna Mauka Partners, LLC project, for Tax Map Keys 2-8-14: 8, 32, 33, 34 and 35, and as relates to requirements of State Land Use District Boundary Amendment A-76-418 and Zoning Ordinances PM-31-79, PM-148-87 and PM-334-97 = *Kiahuna Mauka Partners, LLC*.

**B. COMMUNICATION**

1. Letter (9/19/05) from Cheryl Lovell Obatake, requesting agenda time relating to the Rules of Practice and Procedures of the Planning Commission.

**C. SUBDIVISION** - Action on subdivision matters listed in the Subdivision Committee Agenda (attached).

**D. UNFINISHED BUSINESS**

1. Special Management Area Use Permit SMA(U)-2005-9 = *Ed Ben-Dor*. (For two single family dwelling units, a guest house, a barn, driveways and wastewater systems, Hanalei.) [Hearing cont'd 7/12/05, closed 8/23/05.]
  - a. Letter (9/23/05) from Max Graham, Jr., enclosing copy of a letter from Kauai Sewer Service.
  - b. Letter (9/23/05) from Max Graham, Jr., requesting, on behalf of applicants, continuance of decision-making to Tuesday, November 8, 2005.
2. Design Review for Special Management Area Use Permit SMA(U)-2004-6, Project Development Use Permit P.D. U-2004-30 and Class IV Zoning Permit Z-IV-2004-35 = *Poipu Beach Villas (Regency Development, LLC)* [Def'd 5/10/05, def'd 7/26/05, def'd 9/27/05].
3. Variance Permit V-2005-5 from CZO Sections 8-4.5(b)(3), relating to lot coverage, and 8-3.7(a)(4), relating to provision of paved parking, and Class IV Zoning Permit Z-IV-2005-20 for a 6-room hotel, Waimea = *Nalu Investments, LLC*. [Hearing cont'd 3/8/05, cont'd 5/10/05, cont'd 8/9/05, closed 8/23/05, Motion was not validated by a majority concurrence of the Commission 9/27/05.]

## D. UNFINISHED BUSINESS (Cont'd)

4. Executive Session:  
Pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with the County's legal counsel for purposes of giving a status report on *Albert Morgan, Sr., et al. vs. Planning Department, et al. 104 Haw 173 (2004)*. This consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Planning Commission and the County as they relate to this agenda item.

## E. PUBLIC HEARING (1:30 P.M. OR SHORTLY THEREAFTER)

### 1. Continued Public Hearing:

- a. Use Permit U-2005-32 and Class IV Zoning Permit Z-IV-2005-38 for the construction of a two-phased 164-unit multi-family project, including an administrative-recreation center and temporary sales office building, concierge building, maintenance building, recreation building, and establishment of public access to an existing archaeological preserve, Poipu = ***Poipu Realty Partners, LLC***. [Hearing continued 7/26/05, continued 8/9/05.]
- b. Special Management Area Use Permit SMA(U)-2006-2 = ***Moloaa Bay Ranch, LLC***. (To allow the construction of a perimeter fence, a retaining wall to protect an existing reservoir and pump station, the planting of new landscaping with associated irrigation system and grading associated with road reclamation, paving and repair, Moloaa.) [Hearing continued 9/13/05, Special Meeting/Site Visit 10/5/05.]
  1. Agency Comment (9/9/05) from State of Hawaii, Department of Health.
  2. Letter (9/13/05) from Koolau Cemetery Association, with concerns.
  3. Letter (9/20/05) from Gary L. Blaich, M.D., with concerns.
  4. Letter (9/30/05) from Greg Osborn, enclosing "Moloaa Bay Timeline."
- c. Project Development Use Permit P.D. U-2006-3, Variance Permit V-2006-1 and Class IV Zoning Permit Z-IV-2006-3 = ***KD Waipouli, LLC***. (To construct an 82-unit multi-family affordable housing project, a resident manager's office/maintenance facility, and overflow parking stalls for nearby commercial establishments and the project, and to deviate from allowable lot coverage, Wailua-Waipouli, Kauai.) [Hearing continued 9/27/05.]

### 2. New Public Hearing:

- a. Zoning Amendment ZA-2006-1 = ***County of Kauai Planning Commission***. (To amend Section 8-22.7 of the Kauai County Code (Comprehensive Zoning Ordinance) that establishes parameters for the expiration and extension of time for ordinances adopted by the Kauai County Council relating to zoning amendments.)
- b. Variance Permit V-2006-2 from Section 8-3.6(a) of the Kauai County Code, relating to the pole width requirement for a flag lot, and Class IV Zoning Permit Z-IV-2006-4 for a proposed 2-lot subdivision of property, Kapaa = ***Bonnie Matsumura***.
- c. Variance Permit V-2006-3 and Class IV Zoning Permit Z-IV-2006-5 = ***Cingular Hawaii, LLC***. (For a pre-existing telecommunications facility, and for the monopole and antennas to exceed the height limit, Lihue Industrial Park II, Lihue.)

## F. NEW BUSINESS

1. Use Permit U-2005-32 and Class IV Zoning Permit Z-IV-2005-38 = ***Poipu Realty Partners, LLC***.
2. Special Management Area Use Permit SMA(U)-2006-2 = ***Moloaa Bay Ranch, LLC***.
3. Project Development Use Permit P.D. U-2006-3, Variance Permit V-2006-1 and Class IV Zoning Permit Z-IV-2006-3 = ***KD Waipouli, LLC***.
4. Zoning Amendment ZA-2006-1 = ***County of Kauai Planning Commission***.

**F. NEW BUSINESS (Cont'd)**

5. Variance Permit V-2006-2 and Class IV Zoning Permit Z-IV-2006-4 = *Bonnie Matsumura*.
6. Variance Permit V-2006-3 and Class IV Zoning Permit Z-IV-2006-5 = *Cingular Hawaii, LLC*.

**G. ADJOURNMENT**

**EXECUTIVE SESSION:** Pursuant to Hawaii Revised Statutes (“H.R.S.) Section 92-7(a), the Planning Commission may, when deemed necessary, hold an executive session on an agenda item without prior written public notice if the executive session was not anticipated in advance. Such executive session shall be held pursuant to HRS Section 92-4 and shall be limited to those items described in HRS Section 92-5(a).

**NOTE:** Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Lihue, Hawaii 96766. Telephone: 241-6677.